

SENATE BILL No. 440

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8.

Synopsis: Police and fire suspension hearings. Permits a police officer or firefighter to request a hearing before the public safety board or the merit commission if the police officer or firefighter is suspended by the chief for five days or less. Provides that the police officer or firefighter shall continue regular duties pending the date set for the hearing and shall not serve a suspension for this disciplinary action until the date a decision against the police officer or firefighter is rendered by the board or commission.

Effective: July 1, 1999.

Mrvan

January 13, 1999, read first time and referred to Committee on Pensions and Labor.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 440

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-3-4.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.1. (a) This section
3 also applies to all towns and townships that have full-time, paid police
4 or fire departments. For purposes of this section, the appropriate
5 appointing authority of a town or township is considered the safety
6 board of a town or township. In a town with a board of metropolitan
7 police commissioners, that board is considered the safety board of the
8 town.
9 (b) In addition to the disciplinary powers of the safety board, the
10 chief of the department may, without a hearing, reprimand or suspend
11 without pay a member, including a police radio or signal alarm operator
12 or a fire alarm operator, for a maximum of five (5) working days. For
13 the purposes of this section, eight (8) hours of paid time constitutes one
14 (1) working day. If a chief reprimands a member in writing or suspends
15 a member **with written notice to the member**, the chief shall, within
16 forty-eight (48) hours, notify the board in writing of the action and the
17 reasons for the action.



(c) A member who is reprimanded in writing ~~or suspended~~ under this section may, within forty-eight (48) hours after receiving **written** notice of the reprimand ~~or suspension~~, request in writing that the board review the reprimand ~~or suspension~~ and either uphold or reverse the chief's decision.

(d) At its discretion, the board may hold a hearing during ~~this the~~ review **of the reprimand**.

(e) **A member who is suspended under this section may, within seventy-two (72) hours after receiving written notice of the suspension, request in writing that the board review the suspension and either uphold or reverse the chief's decision.**

(f) **Before** the board holds a hearing, written notice **of the hearing** must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 4(c) of this chapter. ~~If the decision is reversed, the member who was suspended is entitled to any wages withheld as a result of the suspension.~~

(g) **The member:**

(1) **shall continue regular duties pending the date set for the hearing; and**

(2) **is not required to serve a suspension for the disciplinary action until the date the board renders a decision against the member.**

SECTION 2. IC 36-8-3.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) In addition to the disciplinary powers of the commission, the chief of the department, may, without a hearing, reprimand or suspend without pay a member, including a police radio or signal alarm operator or a fire alarm operator, for a maximum of five (5) working days. For the purposes of this subsection, eight (8) hours of paid time constitutes one (1) working day.

(b) If a chief reprimands a member in writing or suspends a member **with written notice to the member**, he shall, within forty-eight (48) hours, notify the commission in writing of the action and the reasons for the action.

(c) A member who is reprimanded in writing ~~or suspended~~ under this section may, within forty-eight (48) hours after receiving **written** notice of the reprimand ~~or suspension~~, request in writing that the commission review the reprimand or suspension and either uphold or reverse the chief's decision.

(d) At its discretion, the commission may hold a hearing during ~~this~~



the review ~~ff~~ of the reprimand.

(e) A member who is suspended under this section may, within seventy-two (72) hours after receiving written notice of the suspension, request in writing that the board review the suspension and either uphold or reverse the chief's decision.

(f) Before the board holds a hearing, written notice of the hearing must be given either by service upon the member in person or by a copy left at the member's last and usual place of residence at least fourteen (14) days before the date set for the hearing. The notice must contain the information listed under section 17(d) of this chapter. ~~If the decision is reversed; the individual who was suspended is entitled to any wages withheld as a result of the suspension.~~

(g) The member:

(1) shall continue regular duties pending the date set for the hearing; and

(2) is not required to serve a suspension for this disciplinary action until the date the board renders a decision against the member.

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